

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
JANUARY 25, 2011
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Mary Ferdon, Chairperson; Lou Marr, Vice-chairperson; Jeff Sharp, Acting Secretary; and Dave Fisher, Alternate

Staff Present: Laura Thayer, Assistant Planning Director; Heather Pope, Senior Planner; Alan Whitted, City Attorney; and Stephanie Carr, Code Enforcement

PUBLIC MEETING

Mary Ferdon, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, City Attorney, administered the oath to all in attendance that would be speaking.

ELECTION OF OFFICERS

Jeff Sharp made a motion to elect Mary Ferdon as Chairperson; Lou Marr as Vice-chairperson, and Dave Bonnell as Secretary. Dave Fisher seconded the motion, and it passed with a vote of 4-0.

Mary Ferdon appointed Jeff Sharp as Acting Secretary for the January 25, 2011 meeting.

NEW BUSINESS REQUIRING BOARD ACTION

C/DS-10-34: GAME STOP

Gary Benge, Jr. is requesting a variance from Zoning Ordinance Section 10 (Table 10.1) to allow window signage to be 94.5 square feet, exceeding the maximum allowable area of 23.6 square feet by 70.9 square feet. The property is located at 1310 National Road in the City of Columbus.

Ms. Pope began the meeting by reading the background into the record. There was a power point presentation.

Ms. Pope said that in June 2010, Game Stop received approval to locate in this strip center.

Ms. Pope said in May 2010 Game Stop received approval for a 49 square foot wall sign on the east wall, a 27 square foot wall sign on the west wall, and a 20 square foot wall sign on the south wall. She said the subject property has a free-standing sign with 40 square feet identifying the center, and 24 square feet dedicated to each tenant.

Ms. Pope said the Zoning Ordinance allows window signs if they do not exceed 25% of the window or 40 square feet, whichever is less. The existing window sign covers 100% of the window (94.5 square feet). She said the petitioner could find another form of covering for the window rather than a sign advertising a product that they sell, such as a mural or blinds.

Gary A. Bengé Jr. stated his name and address for the record.

Mr. Bengé said that his boss was unable to be there tonight, and that he would be representing the petitioner.

Mr. Bengé said that they were unaware that the window cling was considered a sign and did not realize that they needed a variance to put one up.

Mr. Bengé said that they had the sign in the window to cover the shelving on the other side of the window where they stock merchandise. He said that the window was not visible from the road and he did not see where it would be a distraction to anyone.

Mr. Fisher asked the petitioner if the sign would be changing monthly.

Mr. Bengé said that they would not be replacing the sign, unless it was torn or faded due to the weather.

There was no one to speak at the public hearing.

Mr. Fisher said that he was prepared to deny the petition based on the findings of fact but when he drove out to the location, he realized that what Mr. Bengé had said was true. He said that you can't see the window unless you are right upon it, and when you are upon it, it is way more refreshing than anything in the area.

Mr. Fisher said that he thought that something on the windows would be better than seeing stocked shelves and merchandise.

Dave Fisher made a motion to approve **C/DS-10-34** to allow a window sign to be 95.5 square feet, exceeding the maximum allowable area of 23.6 square feet by 70.9 square feet. He said criterion #1 was met because the proposal would not be injurious to the public health, safety, morals, and general welfare of the community. He said it was appropriate at this location and would not have an adverse effect. He said criterion #2 was met

because the sign would not have a negative effect on the neighboring property owners. He said the mural spices up the area and brings life to the area with all the asphalt and concrete. He said criterion #3 was met because the proposed mural would not result in a substantial economic gain. He said there are signs on the north, south and east sides of the building and people are going there regardless. He said it would not affect the neighboring property or the community. Mr. Fisher added the following condition to his motion: If the actual image on the mural changes (Mario Brothers), then Game Stop will need to return to the Board of Zoning Appeals for approval. However, Game Stop can replace the mural as needed (replacing it on an as-needed basis due to the weather damage), as long as the same image is maintained. Lou Marr seconded the motion, and it passed 3-1.

FINDINGS OF FACT

C/CU-10-15: Mainsource Bank

Jeff Sharp made a motion to accept the findings of fact, which was seconded by Lou Marr. The motion carried by a vote of 3-0.

C/DS-10-33: Mainsource Bank

Jeff Sharp made a motion to accept the findings of fact, which was seconded by Lou Marr. The motion carried by a vote of 3-0.

C/DS-10:30 Greg Kreinop:

Jeff Sharp made a motion to accept the findings of fact, which was seconded by Lou Marr. The motion carried by a vote of 3-0.

C/DS-10-32: Paul Fleming:

Dave Fisher made motion to accept the findings of fact, which was seconded by Jeff Sharp. The motion carried by a vote of 3-0.

APPROVAL OF MINUTES

Lou Marr made a motion to approve the minutes of November 23, 2010. The motion was seconded by Jeff Sharp and carried with a vote of 3-0.

Dave Fisher made a motion to approve the minutes of December 21, 2010. The motion was seconded by Jeff Sharp and carried with a vote of 3-0.

There being no more further business the meeting was adjourned.

**Columbus Board of Zoning Appeals
Minutes of January 25, 2011**

Mary Ferdon, Chairperson

Dave Bonnell, Secretary